

Chapter Two

Marketing Crime: The Politics of Crime Statistics

In his farewell address as president Dwight Eisenhower warned, "We must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist." An equally honest and observant politician in the United States today would warn of the emergence of an all-powerful law enforcement-industrial complex for many of the same reasons Eisenhower noted. First, like the military after World War II, the law enforcement-industrial complex is growing faster than any other government function, including education. Government is downsizing and budgets are being slashed, but law enforcement agencies are enjoying unprecedented growth.

In only a four-year period, federal grants for state and local law enforcement increased by an incredible 2,758 percent, growing from \$45 million in 1995 to \$1.241 billion in 1999.¹ Between 1979 and 1996 annual expenditures on criminal justice grew by more than \$70 billion.² States now spend more than \$20 billion a year on corrections (that is, prisons) alone. Between 1980 and 1999 the average state operating budgets going to corrections increased from 2 percent to 6 percent.³ The federal budget for the War on Drugs increased from \$1 billion in 1980 to more than \$17 billion for 1999. At

the current rate of expenditures the criminal justice budget will exceed \$200 billion by 2005.

Prisons for Profit

The law enforcement-industrial complex is sustaining some of the fastest-growing corporations and some of the most-powerful lobbies in the country. Providing equipment to law enforcement agencies and food for 2 million prisoners is a huge industry. In addition, states are increasingly turning over the ownership and management of prisons to private corporations. Whereas in 1985 there were fewer than 1,000 inmates housed in privately run prisons, by 1999 there were more than 70,000 inmates incarcerated in more than 100 private prisons in nineteen states. One of the largest corporations running private prisons is the Corrections Corporation of America (CCA). It currently operates or has under construction facilities with more than 30,000 beds in forty-seven prisons throughout the United States, Puerto Rico, Britain, and Australia. So profitable is the CCA that in 1995 its common stock rose 385 percent, and a major investment newsletter published an article, "Crime Can Pay," recommending these stocks.⁴

Pursuing the same incestuous policies employed by defense contractors, who hire former defense department officials and retired military personnel, private prison corporations hire ex-government officials who are allegedly experts in security. Michael Quinlon, former director of the Federal Bureau of Prisons is a director at CCA, a former commissioner of corrections for Arkansas founded CCA, and a former chairman of the Tennessee Republican Party (Tom Beasley) is on the board of directors. The Wackenhut Corporation—which provided security for the National Aeronautics and Space Administration (NASA), the Department of Energy, and other government agencies—has formed a subsidiary called the Wackenhut Corrections Corporation. Its board of directors has included William Casey, former director of the CIA; Bobby Ray Inman, former deputy director of the CIA; and William Raborn, former head of the CIA. In addition, right-wing political leaders, such as George Mas Canos of the ultra-right-wing Cuban American Foundation, serve on the board.⁵

CCA and Wackenhut make substantial political contributions, which promises to keep the movement toward the privatization of prisons alive and well for a long time to come. Prison guards also represent a formidable lobby: The California Corrections Officers Association was the largest contributor to conservative Pete Wilson's winning gubernatorial campaign. On a local level, police unions, under various innocuous names like the Police Benevolent Society and the Fraternal Order of Police, are major contributors to the campaigns of politicians who promise more funding for law enforcement. They also provide backdrops for photo ops for sympathetic politicians and run ads attacking politicians who dare interfere with police budget and manpower increases.

Crime Statistics

Much like in the 1950s, when silence surrounded the military-industrial complex, there is little opposition among politicians, in the media, or by the public to criminal justice spending. In fact, as we shall see, the only source of information about the crime problem and how to solve it comes from the agencies and corporations that stand to benefit from exaggerating and distorting the information.

In 1931 a federal commission, known as the Wickersham Commission, was appointed to study the need for a national system of crime reporting. Its final report warned of the dangers inherent in having the law enforcement agencies with a vested interest in the policies based on crime data responsible for gathering that data. Referring to the fact that the data for the *Uniform Crime Reports* are gathered and disseminated by the FBI, the commission concluded:

Nothing can be more misleading than statistics not scientifically gathered and compiled. The Uniform Crime Reports . . . [the FBI's annual summary of crime in the United States] make no suggestion as to any limitations or doubts with respect to the utility or authority of the figures presented. On the contrary they contain a graphic chart of "monthly crime trends," and along with them the bureau has released to the press statements quoting and interpreting them without qualification. It requires no great study of these reports to perceive a number of weaknesses which should impose a more cautious promulgation of them.⁶

Unfortunately, the warnings of the Wickersham Commission were ignored, and the Department of Justice and the FBI are the only source of data on crime. They, however, are not disinterested observers of crime trends; rather, they are bureaucracies with a vested interest in misleading the public.

The Uniform Crime Reports

In an effort to take a bite out of the budgets of other governmental agencies, the Department of Justice and its law enforcement bureaucracies, especially the FBI and the National Institutes of Justice, consistently inflate or bias reports of data on crime. These same federal agencies hand out lucrative research grants to criminologists who uncritically accept the Department of Justice's crime control perspective.

But of all the misleading and distorted information about crime, none is more damaging than the oldest established source of national data on crime rates and trends: the FBI's annual *Uniform Crime Reports* (UCR). These reports are based on data supplied to the FBI by local police departments. They include information on crime trends, the seriousness of crimes committed, and expenditures on criminal justice; arrest data; and data on the number of people employed in police work. Crime rates and crime trends are based on "crimes known to the police," which reflect calls to police departments from citizens reporting crimes and crimes observed by police officers.⁷

The FBI is masterful in disseminating its information. News releases are carefully prepared to highlight the most alarming statistics that can be culled from the reports. These releases are sent to every newspaper in every city and town of the fifty states. The reports themselves are widely distributed, and they are constructed to give the media ready access to crime clocks, graphs, and tables designed to spread the FBI's propaganda. The media, for its part, uncritically accepts as incontestable fact the data provided by the FBI. In reality, the U.C.R. is neither incontestable nor fact.

In its reports and news releases, the FBI uses gimmicks and tricks to make the problem of crime seem as threatening as possible. For example, somewhere in the first few pages of the annual UCR there appears a "crime clock." This picture of a twenty-four-hour clock

purports to show, in seconds and minutes, how often particular crimes occur. In the 1998 *UCR*, for example, the clock showed a murder occurring every twenty-seven minutes, a forcible rape every six minutes, a robbery every fifty-nine seconds, a burglary every thirteen seconds, and so on.⁸ Rendering the data this way exaggerates the seriousness and frequency of crime. To get these alarming numbers the FBI includes all kinds of alleged and attempted crimes that, if more honestly conveyed, would not be counted. Furthermore, the number of crimes per second or minute obviously depends on the size of the population being surveyed. Imagine what a similar chart for China, India, or Indonesia would look like. Such representations are not informative; they are simply political rhetoric.

The *UCR* is consistent in only one thing: its tendency to distort and mislead. In 1992 the front cover of the *UCR* contained a rising graph (Figure 2.1). Under the graph appear the words "Crime in the United States." Clearly the cover is designed to depict a rapidly accelerating crime rate. The data provided to the FBI, however, tell a very different story. The crime rate for most major crimes actually went down. From 1991 to 1992, the overall crime rate declined by 4.0 per 100,000 population and the homicide rate declined by 5.1 per 100,000 population. To discover that the crime rate declined, however, the reader had to look past the cover, past the introductory statements, and past the crime clocks—something few politicians, journalists, or government bureaucrats bother to do.

Counting Crimes

The way crimes are counted is no less misleading than the graphs and clocks. For example, FBI instructions to local police departments direct that if a police officer finds a dead body and believes the person was murdered, the event is recorded as a murder. It matters not if the next day the coroner says it was a suicide or the prosecutor later determines it was a justifiable homicide or an accidental death. The incident remains a murder for the purposes of the *UCR*. The instructions state, "... the findings of coroner, court, jury or prosecutor do not unfound offenses or attempts which your [police] investigations establish to be legitimate."⁹ That this way of counting grossly exaggerates the murder rate is suggested by the

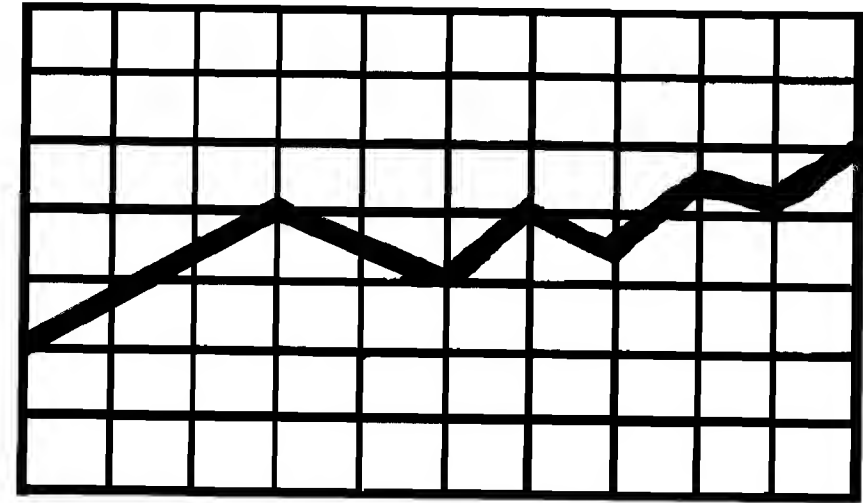


FIGURE 2.1 Crime in the United States, 1992

SOURCE: *Uniform Crime Reports*

fact that whereas the FBI reports about 20,000 murders every year,¹⁰ there are fewer than 13,000 convictions in state and federal courts for murder and nonnegligent manslaughter combined.¹¹

A surefire tactic to generate fear in Americans is to compare the U.S. homicide rate with that of other countries. Whenever law enforcement officials, politicians, or judges want to justify "getting tough on crime," they roll out the timeworn comparisons supposedly demonstrating that the murder rate in the United States is dramatically higher than in any other industrialized nation, especially the Scandinavian countries. In a speech at the National Press Club, for example, former Chief Justice of the Supreme Court Warren Burger fanned the flames of fear and called for tougher laws by pointing out that Sweden, with a population of 6 million, had fewer homicides than Washington, D.C., with a population of 650,000.

These comparisons are not only distorted, they are irresponsible. To continue the example, in Sweden a death is not officially recorded as a murder until someone has been found guilty in court of having committed the crime. By that standard, the U.S. murder rate

for 1996 would be approximately 3.5 per 100,000 population—a rate higher than Sweden's 1.1 per 100,000 population, certainly, but hardly justifying the chief justice's alarmist statements or politicians' and prosecutors' desire to "get tough on crime."¹²

Most comparisons of U.S. homicide rates with other countries are like comparing the proverbial apples and oranges. Included in the U.S. homicide rate are instances of "nonnegligent manslaughter," which the FBI's *Uniform Crime Reporting Handbook* instructs local police to report as "... any death due to injuries received in a fight, argument, quarrel, assault, or commission of a crime." Furthermore, the handbook continues, "... Do not count a killing as justifiable or excusable solely on the basis of self-defense or the action of a coroner, prosecutor, grand jury, or court. The willful (nonnegligent) killing of one individual by another is being reported, not the criminal liability of the person or persons involved [emphasis in original]."¹³

The FBI's maximization of crime prevalence is not limited to homicide. The *Uniform Crime Reporting Handbook* instructs police departments to count each person who commits a crime as a separate incident and each victim as a separate incident. If five men are picked up for fighting with five others, the police report ten aggravated assaults. If three men are involved in one carjacking, three carjackings are counted. If one man attacks five others in a bar, the incident is counted as five aggravated assaults: "If a number of persons are involved in a dispute or disturbance and police investigation cannot establish the aggressors from the victims, count the number of persons assaulted as the number of offenses."¹⁴ In other words, if it is unclear who, if anyone, involved in a fight has committed a crime, the official statistics will show the number of people assaulted as the number of crimes. The instructions do not require that the legal definition of assault be met in order for the incident to be reported as such. A simple "dispute or disturbance" may be counted. In this context, no charges need ever be brought. Though police officers may be unwilling to arrest someone for assault simply for being involved in a "dispute or disturbance," the failure to make an arrest does not keep the incident from being reported as a crime (in this case a violent crime) known to the police. If several people are assaulted by one person, in a bar fight for ex-

ample, each assault is counted. For example, if four people in a bar get into a fight, the owner calls the police—who come to the bar and quell the fight—no one is arrested, and no one presses charges, the police still report four aggravated assaults to the FBI. The four assaults are included in the FBI's calculation of the violent crime rate.

The categories in the UCR are anything but "uniform." What counts as burglary in one jurisdiction may not in another. Burglary is legally defined in many states as the use of force for breaking and entering, but the FBI instructs local police departments in all states to report the crime of burglary simply if there is unlawful entry. Merging unlawful entry with breaking and entering makes statistics on "burglary" ambiguous and, of course, *increases* the number of burglary offenses reported.

What constitutes an attempted crime (rape, robbery, or assault, for example) also varies from jurisdiction to jurisdiction and from police officer to police officer. The fact that "attempts" are included in the overall rate for every type of crime but murder further confounds the data, making it impossible to interpret them in any meaningful way.

Dirty Tricks

J. Edgar Hoover was a master at manipulating public opinion. He held the media in the palm of his hand and fed them whatever served his interests. For years he even went so far as to claim that the FBI did not cost the taxpayer anything, since, he claimed, the amount it recovered annually in stolen property was more than its annual budget.

To be able to make this astonishing claim, Hoover relied on the FBI's enforcement of the Dyer Act. The Dyer Act (1919) made the interstate transportation of stolen cars a federal crime. The law was intended to help prosecute full-time commercial car thieves. The FBI, however, focused on "joyriders," young men who stole cars on a casual, spur-of-the-moment basis. (More than 90 percent of automobile thefts are joyrides: The car is stolen, driven around, usually for less than twenty-four hours, and abandoned.) These cases are "solved" not by remarkable police work but by locating

the abandoned car. The FBI, however, counted the recovery of all stolen vehicles as part of the cases they "solved."

According to Harry Subin, a professor of law at New York University, "... the whole federal auto-theft program was part of a fraudulent effort by Hoover's FBI to polish its image. It's clear that Dyer Act investigations are of primary importance in the Bureau's evaluation of its overall accomplishments."¹⁵

The huge number of automobile theft cases the FBI handled enabled Hoover not only to demonstrate the FBI's diligence in solving serious property crimes but also to claim that the FBI was *profitable*. By counting the estimated cost of stolen automobiles returned to their owners as money "returned to the government," the FBI could claim that it returned more money to the government than its appropriation. Unless all the vehicles returned by the FBI were government-owned, this claim is nothing but sleight-of-hand accounting. Any such scam perpetrated by the CEO of a bank would be considered outright fraud.

Hoover established a tradition that every FBI director since has followed. When the present FBI director, Louis J. Freeh, was appointed, he addressed the nation over C-Span, National Public Radio, and the Internet. In his address he pursued the same distorted, misleading, and alarmist approach to the crime problem that had so well served his many predecessors: "The rate of violent crimes has increased 371 percent since 1960—that's nine times faster than our population has grown. In the past 30 years, homicides have nearly tripled, robberies and rapes each are up over 500 percent, aggravated assaults have increased more than 600 percent."¹⁶ Freeh came up with these alarming statistics by carefully choosing a year—1992—that had one of the lowest homicide rates in sixty years and comparing it with the year that had the highest reported homicide rate in the same sixty-year period. Even using the FBI data on homicide, which as we have seen are highly suspect, a more honest depiction of changing homicide rates would show that it ebbs and flows from year to year. One could just as easily compare data from 1992 to data from 1978 to demonstrate that the homicide rate had gone down in the fourteen-year period preceding Freeh's appointment as director. But this comparison would serve neither his interests nor the interests of the ever-hungry-for-expansion bureaucracy he heads.

Police and Prosecutors' Charges

In the United States more than 90 percent of the criminal cases brought to court are settled by a guilty plea obtained as the result of a bargaining process in which the prosecuting attorney confronts the accused with the charges and warns him or her of the possible dire consequences of being found guilty of these charges. In order to expedite the case, the prosecuting attorney offers to accept a guilty plea to a lesser charge, carrying a less severe punishment, than the charges brought by the police. The official statistics, however, report the *most serious crime* charged, not the crime for which the defendant eventually pleads or is found guilty.

The charges actually brought against the defendant may not reflect the reality of what transpired. Knowing that plea bargaining will take place, police officers and prosecutors exaggerate the charges in order to disadvantage the defendant in the bargaining process and to increase the likelihood that the defendant will plead guilty to a lesser charge. A case in point is that of Willie Butts (a pseudonym) who was arrested late at night walking down an alley in Jacksonville, Florida. Butts was charged with "possession of controlled substance (crack), resisting arrest with violence and battery of law enforcement officer." The arresting officer's report states:

The investigation revealed that on 06-06-87 at about 0020 I saw a vehicle drive to the 800 block of [——] street from [——]. Its lights off, stopped and talked to someone. The person drove off in less than one minute. I then drove to that area without lights. When I saw someone walk up to my vehicle, I turned on my lights to confront the suspect. As I began to exit my vehicle, the suspect reached into his front left pocket, pulled out a crack pipe and cigarette pack and threw it behind him to the ground. As I attempted to place the suspect against my car, he threw another object across the top of my car. When I attempted to search the suspect, he tried to reach in his pants pocket again. When I blocked him, he fought with me in an attempt to run. After the suspect was secured, I found a penknife in his left pocket. I then found a piece of crack cocaine in the cigarette pack which the suspect threw earlier.¹⁷

The defendant pleaded guilty to possession of crack cocaine. The charges of battery on a law enforcement officer and resisting arrest

with violence were dropped. The official report to the FBI, however, contained the more serious charges of "arrest with violence and battery of a law enforcement agent." In all likelihood, the prosecutor would not have been able to obtain a conviction given the police officer's report of what actually happened, but that makes no difference to the crime statistic, which neither corresponds to what the police officer reported nor reflects the real nature of the crime. Multiplying this case by the hundreds of thousands reported by local police to the FBI and "dutifully reported" in the UCR gives some idea of how grossly distorted are the crime statistics that form the basis for the media and public image of crime.

The FBI does not distinguish between attempted and completed crimes: "Generally, attempts to commit a crime are classified as though the crimes were actually completed. The only exception to this rule applies to attempted murder wherein the victim does not die."¹⁸

Most years the FBI and local police departments are under pressure to increase the reported number of crimes in order to support their budgetary requests for more personnel and more funding. Occasionally, however, there is political pressure to show a decrease in crime in order to show that the police are effectively controlling crime. A 1982 study of how the police in Indianapolis constructed crime rates found that the reported rates fluctuated according to whether those in political power wanted them to go up or down.¹⁹

The UCR includes theft of any object as a Type I, that is, very serious, crime. But since theft is by far the most common crime committed, including it drastically skews the crime rate. Here again, the FBI uses every trick available to exaggerate the extent and seriousness of the crime. Most jurisdictions distinguish between felony theft—which usually means the theft of something valued at more than \$159.00—and misdemeanor theft. Not so the FBI, which defines felonious theft as "the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another." Since theft accounts for more criminal events than any other crime and since petty thefts are much more common than felony thefts, the FBI statistics grossly distort the reality.

Local police are not above manipulating the data to suit their own purposes. When Richard Nixon wanted to demonstrate that his War on Crime was effective,²⁰ the Washington, D.C., chief of police rallied

his officers to lower the crime rate: "Either I have a man who will get the crime rate down in his district or I'll find a new man."²¹ At the time, the city categorized theft of anything valued at more than fifty dollars as a felony. The next year, police officers began valuing the property in most reported thefts at \$49.00 and did not report these to the FBI, even though the FBI's instructions said they should. Thus, Washington's official crime rate declined dramatically after the implementation of "get tough" policies. The chief "found the man" who would lower the crime rate, if not the crime incidence.

In New York in the 1990s Mayor Rudy Giuliani made a concerted effort to "clean up the city." He instructed the police commissioner to rid the streets of panhandlers, homeless people, and "squeegee men" (people who stand in the streets at intersections and offer to wash the windows of the cars stopped for the lights). That done, he instructed the commissioner to lower the crime rate and, voilà, the crime rate was lowered. Public opinion polls showed that people felt safer, and the mayor was given credit for reducing crime. Victim surveys, which give a much more reliable measure of changes in crime rates than do police statistics, showed no difference in the crime rate trends before and after the mayor's campaign. Politics, not any real difference in the amount of crime, changed the official crime rate reported by the police. Seeing the wonderful (political) results in New York, other cities quickly followed suit, and crime rates declined in Los Angeles, Houston, Chicago, and Detroit in the following years. That a decline in the crime rate would spread across the nation in an orderly fashion from one large city to the next is so unlikely that it defies logic.

Just as the police and prosecutor can escalate charges brought against suspects, they can also downgrade them. Burglary can become trespass; aggravated assault, simple assault; and even murder can be classified as "accidental death." Roland Chilton has shown that in New York during the years that Giuliani was taking credit for lowering the murder rate, deaths classified by the police as suicides went up by 40 percent at the same time that deaths reported by the police as homicides declined.²²

Murder by Strangers

Faced with reports of lower violent crime rates, for the first time in decades, from police departments in some of the nation's largest

cities, the FBI quickly attributed the lower crime rates to increased numbers of police officers and longer prison sentences. But these claims are belied by the facts. Victim surveys show that violent crime has been declining in the United States since 1973, long before the increase in the number of police officers, mandatory sentences, and longer prison sentences.

The FBI also attempts to counterbalance the good news of lower violent crime rates with data designed to sustain the fear of crime, namely, with data showing that (1) people are in more danger than ever of being victimized by strangers and (2) demographic changes in the most criminogenic population foretells a crime wave in the near future.

The FBI sent a news release to media outlets across the country in 1994 claiming that for the first time murders were more often committed by strangers than by acquaintances and that the percentage of murders committed by nonfamily members had increased:

Historical statistics on relationships of victims to offenders showed that the majority of murder victims knew their killers. However, in the last few years (1991 through 1994) the relationship percentages have changed. In 1994, less than half of murder victims were related to (12 percent) or acquainted with (35 percent) their assailants. Thirteen percent of the victims were murdered by strangers, while the relationships among victims and offenders were unknown for 40 percent of the murders.²³

The *Washington Post*, along with newspapers across the country, reported in a front-page article that the "number of people killed . . . by unknown persons has grown in the 1990s."²⁴

The FBI news release and the media's knee-jerk parroting of the findings is a classic case of law enforcement propaganda masquerading as fact. The increase in "murders by strangers" is a statistical artifact accounted for in part by an increase in unsolved murders. Between 1991 and 1994 the number of murders for which the police made an arrest dropped by more than 5 percent compared to the preceding ten-year period.

A second reason for the apparent increase in the number of murders by strangers is an increase in murders resulting from "drive-by shootings." The police categorize these as murder by strangers. But because drive-by shootings are often the result of turf battles

between competing gangs selling drugs, the chances are very good that the assailant and victim knew each other and that the victim knew his or her assailant well enough to be killed for competing or "snitching."

The FBI news release went on to state that "In 1965, nearly a third of the murders in this country were family related . . . [but by] 1992, a little more than one out of 10 of the nation's homicides were family related."²⁵ The *Washington Post* quoted Gilford S. Gee, a contributor to the UCR, who noted that "Criminologists and sociologists used to point to the fact that most murders were committed by family members or acquaintances . . . That was indeed the case, but no longer."²⁶

The *Post* accurately reported the data they received from the Justice Department. But the Justice Department failed to point out that the number of unmarried couples living together has increased dramatically in recent years: From 1980 to 1997 the figure increased more than 260 percent to more than 4 million such couples.²⁷ If a live-in boyfriend kills his partner, the FBI does not report it as murder by a family member, so the decline in murders by family members is explained by the fact that more people living together are not married. Furthermore, the proportion of unmarried couples living together is highest in the poorest social classes, which are also the demographic groups with the greatest likelihood of murder among family members.

Given the increase in drive-by murders and in the number of unmarried couples cohabiting, the FBI claim that acquaintance and family murders no longer constitute the majority of homicides is erroneous. FBI data show that in 1994, 47 percent of all murders were of family members or acquaintances. Assuming that the unsolved murders contain the same proportions, then the observation by criminologists and sociologists that most murders are committed by family members or acquaintances is as true today as it ever was.

Selective Reporting

Department of Justice reports commonly select years for comparison in order to show increases in crime. In the 1994 *Uniform Crime Reports*, for example, the FBI compared the homicide rates of 1991 and 1994 to show an increase in "stranger" homicides for the

period. In fact, 1991 and 1994 were about the only two years the FBI could have compared that would show the increase in stranger homicides it sought.

The FBI news releases do not mention the fact that the category of *substantiated* stranger homicides—that is, the number of homicides where it was determined that the assailant was a stranger—has remained fairly constant. With little fluctuation through the years, the figure now stands at 15 percent, the same as 1980.²⁸ Since these data will not serve to increase public paranoia about crime, the FBI prefers to draw faulty conclusions about the nature of unknown murderers.

Teenage "Super Predators"

In addition to raising a false alarm about a dramatic increase in stranger murders, the FBI and local law enforcement agencies periodically point to an alleged dramatic increase in the number of crimes committed by juveniles. Citing FBI sources, *U.S. News and World Report* published a warning in 1967 that the nation was experiencing an "explosion in teen-age crimes":

Deep worry is developing among the nation's leaders over juvenile delinquency that seems to be getting out of hand across the United States. More youngsters are getting arrested every year—at lower ages and for more serious offenses. Many will be graduating into the ranks of a criminal army that is costing America billions of dollars a year.²⁹

In 1970, *U.S. News and World Report* published a story claiming that "In Long Beach, Calif., Police Sgt. James D. Reed says that young thugs who 'stalk older people, like animals stalking their prey,' robbing and brutally beating their victims, want 'excitement and money in their pockets.'"³⁰ *Look* magazine disclosed in 1966 that "More and more youngsters are involved in burglary, auto theft, shoplifting, and a variety of lesser crimes."³¹

Panic over youth crime is as persistent in Western society as is worry about the stock market, but, like so many other alarms, it is based on political and law enforcement propaganda, not facts. In the late 1990s another spate of law enforcement-driven propa-

ganda about the "time bomb" of juvenile crime blossomed. That campaign was closely linked to the creation of anxiety over the state of the family in the United States, where children were said to be growing up "fatherless, jobless, and godless," and dependent on "welfare Moms."³²

The data for these years make a lie of these alarmist reports. In 1966, 21 percent of those arrested for violent crimes and 23 percent of those arrested for all offenses were under eighteen. In 1969 the percentages were 22 percent and 26 percent, respectively. Juveniles accounted for 23 percent of the violent crime arrests and 26 percent of all arrests in 1971 and 1973. On average, juveniles accounted for around 22 percent of violent crime arrests and one quarter of the arrests for all offenses from 1966 to 1973.³³ These data do not support police and FBI claims reported in the press that there has been a dramatic acceleration in juvenile crime in recent years.

In fact, there has been a slight decline in the percentage of juvenile arrests among total arrests since the 1960s and 1970s. In 1994, individuals under eighteen contributed to 19 percent of violent crime arrests and 19 percent of arrests for all offenses. Juvenile arrests accounted for under 20 percent of total arrests for both violent crimes and all offenses from the mid-1980s to the present.³⁴

That the percentage of arrests accounted for by juveniles is less today than in the 1960s and 1970s is explained by demographics. Arrest rates are the best index we have of the extent of juvenile crime, and these data show that juvenile crime generally keeps pace with the number of juveniles in the population. In the 1960s and 1970s people under eighteen made up a larger percentage of the population than they did in the 1990s. In 1960, 35.7 percent of the population was younger than eighteen, and this proportion remained relatively stable over the next ten years, rising to 36.1 percent in 1966 and falling to 34.2 percent in 1970.³⁵ From 1980 to the 1998, the proportion of the population under eighteen held steady at about 26 percent of the population, substantially lower than two or three decades earlier.³⁶ Following these demographic changes, the distribution of arrests by age changed as well. Between 1971 and 1994 the percentage of adults arrested increased from 74.2 percent to 81.4 percent, reflecting the increase in the proportion of the population over eighteen.

Current Panics over Juvenile Crime

Although the number of juveniles arrested remained relatively stable over the 1990s, there has been an unending public diatribe about the increasing danger posed by juvenile crime.³⁷ The panic is fueled not just by law enforcement agencies but by publicity-seeking criminologists as well. They point to the "near future," when demographic changes will supposedly once again create a massive increase in juvenile crime.

Newsweek announced in 1995 that "Criminologists are already warning that the United States can expect another wave of violent crime in the coming decade, and some say it will be much worse than the one that is now subsiding."³⁸ *Time* magazine in 1996 warned that individuals between fourteen and seventeen, "the age group that in the early '90s supplanted 18-to-24 year-olds as the most crime prone . . . is precisely the age group that will be booming in the next decade."³⁹ These articles cite not only the FBI and local police but right-wing criminologists like John J. DiIulio Jr. of Princeton University, who warns that in the near future the nation will face a generation of "superpredator" teenagers. James Alan Fox, of Northeastern University, joins this chorus: "So long as we fool ourselves in thinking that we're winning the war against crime, we may be blindsided by this bloodbath of teenage violence that is lurking in the future."⁴⁰

The Bureau of the Census, however, projects that the percentage of the population under eighteen will in fact decline, from 26.2 percent in 1996 to 25.9 percent by 2000 and to 23.6 percent by 2025. In 1996, 5.5 percent of the population was between fourteen and seventeen; and that percentage will decline to 5.3 by 2025. If the alarmists like Fox and DiIulio are correct in thinking that shifts in the size of the juvenile population affect violent crime rates, we should see a decline in violent crime over the next twenty-five years, not an increase.

Other criminologists support their predictions of a "bloodbath of teenage violence" by claiming there will be a dramatic increase in the number of minority teenagers. James Fox and Glenn Pierce maintain that "the amount of 15-19 year-olds will rise 28 percent among blacks and 47 percent among Hispanics."⁴¹ But an increase in the number of teenagers among the black and Hispanic popula-

tions does not translate directly into an increase in violent crime. From 1980 to 1997 the black population between the ages of fifteen and thirty-four increased by 27 percent, but the overall violent crime rate for that age group did not experience an equivalent increase. For example, violent crime among urban juveniles, often one of the most violent sectors of the population, has decreased by 6.8 percent since 1995.⁴²

Fox and Pierce also neglect to point out that the black and Hispanic population will make up only a minimally larger percentage of the total population: The percentage of African American youths from fourteen to twenty-four will increase from 2.3 percent of the population in 1995 to 2.4 percent in 2005. The percentage of Hispanics will increase slightly, from 1.9 percent to 2.3 percent.⁴³

The Department of Justice also uses percentage increase statements to exaggerate crime and spread fear among the population. *Juvenile Offenders and Victims: A National Report*, prepared by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), warns that "If trends continue as they have over the past 10 years, juvenile arrests for violent crime will double by the year 2010."⁴⁴ The report estimates that 261,000 juveniles will be arrested for violent crimes in 2010, a 101 percent increase from the 129,600 arrests for the same offenses in 1992. But this statistic has little practical meaning, since it is not placed in the context of all arrests. The number of adult arrests will also increase in the future because the total population continues to grow, expanding the pool of potential arrestees.

Furthermore, the OJJDP's dire prediction presumes that annual increases in juvenile arrests for violent crimes over the next fifteen years will mirror the annual increases in juvenile arrests for violent crimes that occurred between 1983 and 1992. However, recall that although the juvenile population has remained relatively stable at 26 percent of the population since 1980, the Census Bureau projects it will decrease to 24.6 percent by 2010. The Justice Department's assumption that juvenile arrests will keep pace with those of the past when the percent of the population under eighteen is declining reveals a desire to fuel public anxiety about a teenage "bloodbath."

Even more misleading are the OJJDP's statistics about arrest rates for juveniles. The report claims that "The increase in violent

crime arrest rates is disproportionate for juveniles and young adults," and it presents six graphs showing juvenile arrests for violent offenses outdistancing adult arrests for the same categories.⁴⁵ These "facts" were then presented by the conservative Council on Crime in America, whose membership includes the right-wing criminologist John DiIulio, and published in 1996 under the title "The State of Violent Crime in America."⁴⁶

To arrive at the conclusion that the juvenile violent crime rate is accelerating faster than the adult violent crime rate, the authors of *Juvenile Offenders and Victims* compared juvenile arrests per 100,000 people aged 10–17—not, as claimed in the title of the graph purporting to show the acceleration, per 100,000 total population. People under ten, the report tells us, were eliminated because they are rarely arrested. They calculated arrest rate for adults, however, based on a population of everyone over eighteen years of age. By the same logic that led to calculating the crime rate only for the 10–17 age group, the youth population most likely to be arrested, it would be necessary to also limit the adult arrest rate calculation to the age groups most likely to be arrested. At the very least, the 65+ age group should be eliminated because, like children under ten, people over sixty-five are very unlikely to be arrested. Even more interesting would be to compare the arrest rate of the 10–17 age group to that of the 18–35 age group, since this is the adult group in which most arrests occur. Once again, a U.S. Department of Justice report presents so-called research in a way designed to spread fear. The media and generously funded right-wing think tanks spread the news, insisting that

Americans must search for better, more cost-effective ways of *preventing* violent crimes and *protecting* themselves and their loved ones from violent and repeat criminals, adult and juvenile. But our first order of business must be *restraining* known convicted, violent and repeat criminals. *Restraining violent criminals* is a necessary but insufficient condition for meeting America's crime challenges, reforming the justice system, and *restoring public trust* in the system and in representative democracy itself. [Emphasis in original]⁴⁷

Questionable math also underlies DiIulio's frequently made statement that the number of juvenile male "superpredators" will increase significantly in coming years. In an article with the dubi-

ously accurate title "Crime in America: It's Going to Get Worse," DiIulio asserted that

The current trend in birth rates makes it certain that a new violent crime wave is just around the corner. Today there are some 7.5 million males ages 14 through 17. By the year 2000 we will have an additional 500,000. About six percent of young males are responsible for half the serious crimes committed by their age group, studies reveal. Thus, in a few years we can expect at least 30,000 more murderers, rapists, robbers and muggers on the streets than we have today.⁴⁸

DiIulio bases his conclusions on studies "that have shown about 6 percent of all boys are responsible for about half of all the police contacts with minors."⁴⁹ However, studies of this 6 percent group in several cities indicate that "almost no life-threatening violence showed up in the youth samples that were responsible for the majority of all police contacts . . . [and that] no study of any youth population supports [a] projection of predatory violence."⁵⁰

DiIulio also argues that 270,000 superpredators will be added to the U.S. population by the year 2010. However, as Franklin Zimring pointed out, "If 6 percent of all males under 18 are superpredators, that means we currently have more than 1.9 million juvenile superpredators on our streets. We would hardly notice another 270,000 by 2010."⁵¹ Moreover, DiIulio calculates the number of superpredators as a percentage of *all* males under eighteen. But "[s]ince 93 percent of all juvenile arrests for violence occur after age 13,"⁵² very few violent crimes are committed by youths under the age of thirteen. To get a total of 270,000 potentially violent youths, DiIulio must include infants, toddlers, and little boys.

Currently there are 7,961,000 people from fourteen to seventeen years old in the population, and there will be 718,000 added to this cohort by the year 2010.⁵³ This is a substantial increase, but it is nowhere close to DiIulio's estimation. Furthermore, to assume that the proportion of "dangerous" young males is constant is ludicrous, since the factors that create violence cannot be reduced simply to a person's age. Even the FBI acknowledges that age is only one of the variables associated with an increased likelihood of violence.

National Criminal Victimization Surveys

The distortion and manipulation of statistics by the Department of Justice is not limited to data collected by the FBI and local police departments. Even when data on crime are gathered objectively by the Census Bureau, the reports emanating from the Department of Justice's Bureau of Justice Statistics are constructed so as to maximize fear and minimize public understanding. The Bureau of Justice Statistics (BJS) is responsible for constructing the Census Bureau questionnaires and interpreting and reporting the findings. Once the data arrive in the BJS offices, they are under the control of a bureaucracy with a vested interest in presenting them in a particular light.

After pilot studies were conducted from 1967 to 1972, the first official National Criminal Victimization Survey (NCVS) appeared in 1973. Each year the survey asks a random sample of approximately 135,000 U.S. residents in 65,000 households whether they have been the victim of a crime during the past year.

Unlike the *Uniform Crime Reports*, the NCVS can register crimes not reported to or observed by the police. It also tallies all the crimes that occur in a particular incident, not just the most violent or "most serious." Like those of any survey instrument, the NCVS findings must be read cautiously. Residents of the highest-crime areas may be the least likely to be surveyed and the most reticent to accurately report their experiences. People may be reluctant to disclose their victimization. On the other side, faced with an interviewer probing to find victims of crime, respondents may well invent responses to fill out the interviewer's questionnaire or may inadvertently re-count crimes that transpired more than a year earlier.

The main problem with the NCVS reports, however, is not that they have methodological weaknesses but that their results are creatively summarized to buttress the political and bureaucratic interests of the Department of Justice.

The 1994 BJS bulletin, *Criminal Victimization, 1994*, begins with the following statement: "In 1994 residents age 12 or older experienced approximately . . . 10.9 million crimes of violence . . . In terms of crime rates, for every 1,000 persons age 12 or older, there were 51 victims of violence . . ." ⁵⁴ This statement is grossly mis-

leading. Of the 10.9 million "crimes of violence" reported, 7.7 million (71 percent) were *attempts or threats of violence*, not completed acts of violence. A less politicized statement of the violent crime rate revealed by the victim survey would read: "Overall, during 1994 there were 3.2 million crimes of violence and 7.7 million attempts or threats of violence. In terms of crime rates, for every 1,000 persons age 12 or older there were 15 victims of violence and 36 victims of attempts or threats of violence." ⁵⁵ Even this modification is probably an overstatement of the frequency with which U.S. residents are the victims of violent crimes. More than 58 percent of the victims of completed, attempted, or threatened violent crimes *did not report the crime to the police* for a variety of reasons. According to the NCVS report, "many indicated that they felt the matter was private or personal in nature"; others did not report it because either it was "not important enough" or because "nothing could be done about it."

In almost every category of crime reported, *the least serious crime accounts for the majority of the instances reported*. In the NCVS the category "violent crimes" comprises rape, robbery, and assault (murder is not included, since the victims are not able to respond). Assault is the least serious of these, and assaults account for the vast majority (84 percent) of all violent crimes. Assault can be subdivided into aggravated and simple. Of the 9,128,000 assaults reported in 1994, 6,650,000 (73 percent) were simple assaults (with and without minor injury); the remaining 27 percent, 2,478,000 incidents, were aggravated assaults. Simple assault without injury—that is, "an attempted assault without a weapon not resulting in injury"—*accounts for nearly one half (48 percent) of all violent crimes*. Even victims of aggravated assaults rarely experience injuries: Among aggravated assaults less than one-third resulted in injury.

The systematic attempt to make the problem of crime seem as bad as the data will allow affects the reporting of property crimes as well. The report states: "In 1994 the NCVS measured 31 million household burglaries, motor vehicle thefts, and thefts of other property . . . Expressed as rates per 1,000 households, there were 54 burglaries, 18 motor vehicle thefts, and 236 property thefts." ⁵⁶ As with violent crimes, these statements are not false, but they are clearly designed to maximize the seriousness of crime and the danger that crime poses for individuals. The fact is that the least

serious of the property crimes, property theft, accounts for 77 percent of all property crimes, and thefts in which the property stolen is valued at less than \$50.00 account for 22 percent of all victimizations. Only 14 percent of all property crimes reported by victims in 1994 were of property valued in excess of \$250.00. More than 50 percent of property crime victims claimed they did not notify the police because (1) it was not serious enough, (2) nothing could be done about it, (3) the item was recovered, or (4) they could not prove it was stolen.⁵⁷

The maxim that the least serious offense makes up the bulk of all offenses holds true within most categories of crime. Thus, in 1992, petty larceny (theft of property worth less than \$100) without contact characterized 62.3 percent of the crimes of theft and 35 percent of all crimes. Petty larceny with contact accounted for 2.6 percent of all thefts and a minuscule 1.4 percent of the total number of crimes. Among household crimes, household larceny was responsible for 54.7 percent of the victimizations within the category, and burglary represented 32.1 percent of household crimes and only 14.1 percent of all crimes. Once again, the most serious crime, forcible entry burglary, is the least common type, representing only 10.8 percent of all household crimes and 4.8 percent of all victimizations.

What this analysis of the facts behind the NCVS report reveals is a systematic bias in summarizing the findings to make both the frequency and the seriousness of crime appear much worse than they really are. The NCVS's most consistent findings are that most crimes are not reported by the victim, that in almost every crime category surveyed the majority of the criminal victimizations are for the least serious offense in the category, and that there is no infliction of actual violence in the majority of so-called crimes of violence. Such data should lead the authors of the NCVS report to highly qualified, cautious statements about the extent to which there is a serious crime problem in the United States.

When the data are in the hands of the crime control industry, political and bureaucratic interests take priority over accuracy. Indeed, the opening statement of the NCVS report *could* say "Last year 85-90 percent of all residents in the United States were not the victims of any crime. Furthermore, the majority of those who were victimized were the victims of petty theft. Less than 1 percent of

the population was the victim of any type of violent crime, and the vast majority of these victims were victims of attempted or threatened violence but suffered no actual violence."

The Consequences

If the politicization of crime statistics were merely a matter of one bureaucracy fiddling with data to support its own interests, perhaps we could ignore it as "good enough for government work." Unfortunately, when the subject is crime, the consequences of misreporting data reverberate in the lives of people throughout the country. The public image of crime in the United States is not racially neutral. The media and the general public see crime as acts committed by violent, psychopathic, young black males, even though serious crimes occur daily at corporate headquarters, in banks, and on Wall Street. Thus for the Department of Justice to distort the frequency and seriousness of crime is to accuse lower-class African Americans of being a dangerous class in need of massive control efforts.⁵⁸

One consequence of this campaign to generate fear is to increase the gap between the white and black communities. People cross the street to avoid young black men. Mothers hurry to put their children in the car and lock the doors.

The quality of life *for everyone* is negatively affected as parents put fear into their children from an early age. Middle- and upper-class parents shuttle their children to and from the mall rather than letting them ride the bus or walk home after dark, even in neighborhoods that rarely experience any type of crime. Women's independence is severely curtailed: Afraid to walk alone, they become dependent on having a man escort them or on walking only in groups with other women.

One of the more important consequences of perpetuating the myth that crime is out of control is that it leads inevitably to the arrest and incarceration of the poor. Since African Americans are disproportionately poor in the United States the result is closely akin to "ethnic cleansing." In Washington, D.C., and Baltimore, Maryland, 40-50 percent of the black male population from eighteen to thirty-five are at any given moment either in prison, on probation or on parole, or has a warrant out for their arrest.⁵⁹ The consequences for

the African American community are devastating. Young men cannot marry because they cannot find employment because they have a prison record. Children grow up knowing their father only through weekly visits to prison. Women with husbands in prison must work or go on welfare. If they find employment, they are forced to leave their children in the care of relatives or friends because they cannot afford day care. The perpetuation of this myth also justifies the elimination of support systems such as welfare and job-creation programs because the poor increasingly come to be defined as "the inherently criminal dangerous classes" and therefore "undeserving."⁶⁰

Another consequence is the transformation of urban police departments into militarized, heavily armed tactical units whose mission is preemptive strikes and whose behavior makes a mockery of constitutional guarantees. Meanwhile the Supreme Court, itself a victim of the propaganda of the law enforcement-industrial complex, eats away at civilian protections from police misuse of power, allowing more and more incursions into private spaces such as automobiles and homes with fewer and fewer controls over police.

Finally, criminal justice budgets are growing at the expense of all other public expenditures. For the first time in history, state and municipal governments are spending more on criminal justice than on education.⁶¹ Scarcely a politician can be found who will stand up and say, as did Lyndon Johnson, John Kennedy, and Hubert Humphrey, that the crime problem has to be solved by spending more money on education, opportunities, and job creation rather than on police, prosecutors, judges, and prisons.

Conclusion

The FBI's *Uniform Crime Reports* and the Department of Justice's National Criminal Victimization Surveys have lived up to the Wickersham Commission's worst fears with consequences for U.S. citizens that could scarcely have been imagined sixty years ago. One consequence is the emergence of a crime control industry siphoning resources from other social services. Even more important, however, is the creation of law enforcement bureaucracies whose survival depends on making arrests and putting people in prison. This leads in turn to the arrest and conviction of the poor

for minor offenses. It also institutionalizes the division of the United States into two hostile nations, "separate and unequal."

Notes

1. Department of Justice, *The Budget for Fiscal Year 1999, Historical Tables* (Washington, D.C.: GPO, 1988).
2. Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics*, 1982 (Washington, D.C.: U.S. Department of Justice, 1983), and *Sourcebook of Criminal Justice Statistics*, 1996 (Washington, D.C.: U.S. Department of Justice, 1997).
3. National Association of State Budget Officers, *State Expenditure Report* (Washington, D.C., March 1994), 47.
4. Chris Bryson, "Crime Pays for Those in the Prison Business," *The National Times*, September 1996, 28-35.
5. Ibid.
6. Wickersham Commission, *Report on Criminal Statistics* (Washington, D.C.: GPO, 1931), 1.
7. Albert J. Meehan, "I Don't Prevent Crime, I Prevent Calls: Policing as a Negotiated Order," *Symbolic Interaction* 15, no. 4 (1992): 455-480.
8. Federal Bureau of Investigation, *Crime in the United States: Uniform Crime Reports* (Washington, D.C.: U.S. Department of Justice, 1998), 4. Further references in this chapter to this annual publication will be to UCR, identified by the relevant year.
9. UCR, 1984, 40.
10. UCR, 1998, 14.
11. Ibid., 22.
12. Ibid.
13. Federal Bureau of Investigation, *Uniform Crime Reporting Handbook* (Washington, D.C.: U.S. Department of Justice, 1984), 6.
14. UCR, 1981.
15. Harry J. Subin, *The Criminal Process: Prosecution and Defense Functions* (West, 1993).
16. Committee on the Judiciary, 103rd Cong., 1st sess., July 29, 1993.
17. William J. Chambliss and Barry Holman, "Creating Crime" (paper delivered at the American Society of Criminology Meetings, November 1994).
18. UCR, 1984, 33.
19. Harold Pepinsky and William Selke, "The Politics of Police Reporting in Indianapolis, 1948-1978," *Law and Human Behavior* 6 (1982): 47-61.

20. David Seidman and Michael Couzens, "Getting the Crime Rate Down: Political Pressure and Crime Reporting," *Law and Society Review* 8 (1974): 457-493.
21. Ibid., 482.
22. William J. Chambliss and Roland Chilton, "Fluctuations in Crime Rates: Artifact or Substance?" (paper delivered at the Society for the Study of Social Problems, San Francisco, August 1998).
23. Federal Bureau of Investigation, "Stranger Homicides" (Washington D.C.: FBI National Press Office, 1995).
24. Pierre Thomas, "The New Face of Murder in America: Family Slayings Decline; Fewer Cases Are Solved; Killers Are Younger," *Washington Post*, October 23, 1995, A4.
25. Ibid.
26. Ibid.
27. Bureau of the Census, *Statistical Abstract of the United States* (Washington, D.C.: U.S. Department of Commerce, 1998).
28. Federal Bureau of Investigation (1997), 17.
29. "Why Streets Are Not Safe," *U.S. News and World Report*, March 16, 1967, 74.
30. *U.S. News and World Report* (1970).
31. J. Robert Moskin, "The Suburbs Made to Order for Crime," *Look*, May 31, 1966, 24.
32. Richard Zoglin, "Now for the Bad News: A Teenage Time Bomb," *Time*, January 15, 1996, 52.
33. UCR, 1967, 1970, 1974, 1989.
34. UCR, 1984, 1986, 1988, 1990, 1992, 1998.
35. Bureau of the Census, *Statistical Abstract of the United States*.
36. Ibid.
37. See Albert J. Meehan, "The Organizational Career of a Statistic: Gang Statistics and the Politics of Policing Gangs," report to Office of Juvenile Justice and Delinquency Prevention, 1998, 1-46.
38. William Morgenthau, "The Lull Before the Storm?" *Newsweek*, December 14, 1995, 42.
39. Zoglin, "Now for the Bad News," 52.
40. Both quoted in *ibid.*
41. James Allen Fox and G. Pierce, "American Killers Are Getting Younger," *USA Today Magazine*, January 1994, 26.
42. UCR, 1997.
43. Bureau of the Census, *Statistical Abstract of the United States*.
44. Howard N. Snyder and Melissa Sickmund. *Juvenile Offenders and Victims: A National Report* (Washington, D.C.: U.S. Department of Justice, 1997), 111.

45. Ibid.
46. Council on Crime in America, *The State of Violent Crime in America* (Washington, D.C.: The New Citizen Project, January 1996).
47. John J. DiIulio Jr., "Crime in America: It's Going to Get Worse," *Reader's Digest*, August 1995, 57.
48. Ibid.
49. Franklin E. Zimring, "Crying Wolf over Teen Demons," *Los Angeles Times*, August 19, 1996, 12.
50. Ibid.
51. Ibid.
52. Ibid.
53. Bureau of Census, *Statistical Abstract of the United States*, 17.
54. Craig Perkins and Patsy Klaus, *Criminal Victimization in the United States, 1994* (Washington, D.C.: U.S. Department of Justice, 1996), 1.
55. Ibid.
56. Ibid., 2-3.
57. Craig Perkins, Patsy Klaus, Lisa Bastian, and Robin Cohen, *Criminal Victimization in the United States, 1994* (Washington, D.C.: U.S. Department of Justice, 1996).
58. William J. Chambliss, "Policing the Ghetto Underclass: The Politics of Law and Law Enforcement," *Social Problems* 41, no. 2 (1994): 77-194.
59. M. Maurer, *Americans Behind Bars: The International Use of Incarceration, 1992-1993* (Washington, D.C.: The Sentencing Project, 1994); Jerome G. Miller, *Hobbling a Generation: Young African American Males in Washington D.C.'s Criminal Justice System* (Alexandria Va.: National Center on Institution and Alternatives, April 1992).
60. Herbert J. Gans, *The War Against the Poor: The Underclass and Antipoverty Policy* (New York: Basic Books, 1995).
61. William J. Chambliss, *Trading Textbooks for Prison Cells* (Alexandria, Va.: National Center on Institution and Alternatives, 1992), 1-17.